

## **Appendix B**

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ANTHONY C. PASCA  
NICA B. STRUNK  
THEODORE D. SKLAR

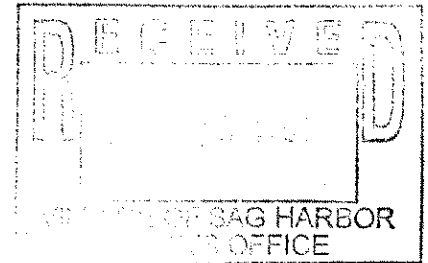
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January 28, 2009

**VIA FEDERAL EXPRESS**

Sandra Schroeder, Clerk/Administrator  
Gregory Ferraris, Mayor  
Brian Gilbride, Deputy Mayor, Trustee  
Edward J. Gregory, Trustee  
Tiffany Scarlato, Trustee  
Ed Deyermond, Trustee  
Village of Sag Harbor  
55 Main Street  
Sag Harbor, NY 11963



Re: Proposed Rezoning

Dear Madam Clerk, Mr. Mayor and Trustees:

Enclosed find letter of Nathiel Egosi to be made part of the record on the hearing tomorrow, Thursday, January 29, 2009. I believe Mr. Egosi will be in attendance to present it in person.

Very truly yours,

*Wm W. Esseks*

William W. Esseks

/m  
Enclosures

cc/enc.: Anthony B. Tohill, P.C. (by hand)

Nathiel Egosi  
11 Princeton Road  
Sag Harbor, NY 11963

January 5, 2009

Village of Sag Harbor  
Main Street  
Sag Harbor, NY 11963

Subject: Proposed Zoning Code

Dear Mayor and Board Trustees:

On behalf of property owners Charles Egosi, Nathiel Egosi and Richard Egosi of the three residential lots fronting Long Island Avenue, abutting the Sag Harbor Inn, Barons Cove Inn and the Village Preserve, we request the Village's consideration to rezone these three parcels from R20 to multiple family dwelling. Comprising nearly 1.5 acres of undeveloped land, this proposed land-use is a most appropriate transition from the adjoining RM district to the R-20 district across from Long Island Ave. With all three lots now being essentially under common ownership, this land poses a unique opportunity at this time to have them merged into a single, larger parcel and offer our community the expedient opportunity of clustered housing behind a well buffered area without detracting from the waterfront or adding to any parking/traffic issues.

There have been recent discussions and analysis regarding the appropriate density for multiple family dwelling. There are many considerations; certainly for a small village of Sag Harbor it is important to strike the correct balance. History has proven that if the density is too high, the property owners are unable to fulfill the capacity due to the many other pertinent regulations that restrict use and development. If the density is too low, the property owners will seek variances to overcome an otherwise poor economic return. In the end the Village and property owners must strike a good balance so that both goals can be met.

The Village needs housing priced moderately for its residents. The property owners must be sufficiently induced to proceed with the development, versus its other alternatives. Our land provides a unique opportunity with a development approach where lot coverage would be less than 50% resulting in significant green space and buffer areas, as well as all the needed off-street parking. Our proposal would provide additional needed Village housing within walking distance of Main Street, schools and churches. With access off Glover Street allowing traffic to avoid Main Street, this addition to our community adds real value for the resident housing we very much need.

As a point of consideration, the following are the sizes of the villages for comparison.

- Village of Sag Harbor- Approx 1100 acres of land
- Village of East Hampton- Approx 3100 acres of land
- Village of Southampton- Approx 4100 acres of land

Often the Village of Sag Harbor is compared to our neighbors; it is clear their total land area is far greater and therefore their zoning regulations are designed to meet their needs. We in Sag Harbor are smaller and have immediate needs to maximize the use of our limited lands. Our village is a community of smaller

lots and narrow windy streets forming its historical character. We are a walking village reflective of a denser use of land.


We request this rezoning subject to at least 12 units being allowed on the 1.5 acres. This is the equivalent of a minimum of 8 units per acre. We suggest the rezoning be worded such the number of units are 1 unit per 5250 square feet of lot area. This unit of measurement makes it clear.

Our request is consistent with current codes of the surrounding villages while also taking in consideration the substantially smaller size of Sag Harbor and its pressing need for additional housing. Naturally, if during the formal permit application process a greater number of units are desired by the Village and/or us, it can be pursued through the normal course of justification to the Zoning Board.

This change of zoning requires a minimum number of units to be cost-effective. We have considered the longer time and greater cost to develop multiple dwelling units. The cost of government approvals and construction for multiple dwelling is far greater than residential construction. In order for the units to be priced at a moderate level, a sufficient number are needed to distribute the costs of the land, development costs and the improvements to the common areas. If the number of units is insufficient, then the costs will simply be higher for each unit at which point the project ceases viability. Without the assurance of the Village Code permitting us to construct 12 units on our lands, we would simply withdraw this request.

We look forward to the opportunity to discuss this further with the Village and its advisors.

Sincerely,



Nathiel G. Egosi, P.E.  
516-318-7186

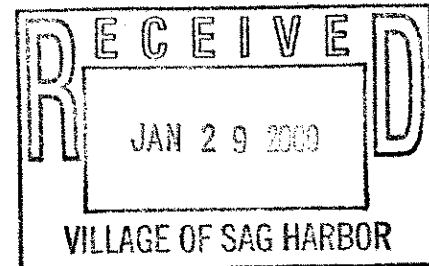
Cc Charles Egosi, AIA  
Richard Egosi, Esq.  
William Esseks, Esq. (Esseks, Hefter & Angel)  
Chris Kocher, Esq. (Goodwin & Proctor)

Dennis E. Downes  
Attorney at Law

Member of New York  
and North Carolina Bar

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Sag Harbor, New York 11963  
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January 28, 2009



Mayor Gregory Ferraris  
and Trustees  
Village of Sag Harbor  
55 Main Street  
P.O. Box 660  
Sag Harbor, New York 11963

Re: East End Ventures LLC (Michael Maidan)  
Proposed Rezoning from Village Business  
to Office District

Dear Mayor Ferraris and Trustees:

As the attorney for East End Ventures LLC concerning its pending Site Plan and Special Exception Permit Applications for Premises 1, 3 and 5 Ferry Road, Sag Harbor (SCTM: 903-2-2-4.2, 4.3 and 6.0) for the construction of 18 residential apartments, we object to the proposed rezoning from the existing zoning status of Village Business to Office District. This project has been under review by the Village since February 2006. The rezoning, if adopted, will result in a density reduction from 18 residential apartments to 8 residential apartments on the site.

My client objects to the proposed rezoning and requests that the Board of Trustees either maintain the existing zoning status and residential density or "grandfather" the pending application from the effects of any proposed new rezoning.

Mayor Gregory Ferraris  
and Trustee

Page 2

January 28, 2009

Re: East End Ventures LLC (Michael Maidan)

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dennis E. Downes", with a long horizontal flourish extending to the right.

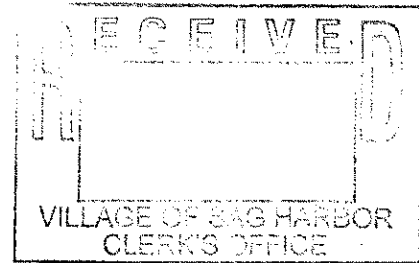
Dennis E. Downes

DED:mfd

Hand Delivered

C: East End Ventures LLC

2  
Village of Sag Harbor  
Village Clerk  
Board of Trustees  
Gregory Ferias, Mayor



RE: Comments to Proposed Zoning Code (the "Code") and Draft Generic  
Environmental Impact Statement (the "DGEIS")

Dear Village Trustees and Mayor:

This letter is submitted by the Sag Harbor Business Association (the "SHBA"). The SHBA's membership includes the vast majority of business and property owners in the Village Business District; a list of the members is attached to this letter. As owners and active merchants in the Village, the proposed revisions have a direct, immediate and long term impact on the SHBA members. The SHBA members have invested significant time and money in operating their businesses and properties in the Village.

The SHBA has attempted to actively and productively participate in the redrafting of the Code. They have attended the meetings and provided written comments to the revisions. Attached to this letter are copies of those letters which are resubmitted as additional comments to the DGEIS.

In spite of the various meetings and written submissions, the Village has provided little opportunity for an open dialogue of the issues and specific revisions to the Code. In sum to date many of the same issues (which are repeated in detail below) have been raised but no response to the concerns has been provided. Furthermore, in the public meetings regarding the revised Code, it was specifically stated that the Board and its consultants, Mr. Tohill and Warren would not discuss any substantive provisions. The public was only allowed to ask questions or make comments. The lack of interactive dialogue between the people who will be directly impacted by the revisions to the Code, makes it almost impossible to achieve a consensus based zoning process. Furthermore it is not in keeping with the standard manner in which master planning is achieved. It is important to acknowledge that the Mayor and Trustee Scarlotto held a series of informal meetings in the Spring of 2008 regarding the zoning process which were more interactive. However, those meetings were without the benefit of the actual proposed Code and since the revised Code has been published no substantive detailed discussions with the Village and its consultants have occurred.

The focus on the process is crucial to creating a good product. The Code and the DGEIS both state that its goal is to preserve the character and current make up of the Village Business District. The members of the SHBA are responsible for the current make up of the Village Businesses District. Main Street exists as a result of the SHBA members' work, commitment and monetary investments. The fact that the SHBA members' concerns have not been addressed and that an open dialogue had not occurred



calls in question whether the Village and its consultants fully appreciate the crucial footing the SHBA members have on the make up of Main Street.

The SHBA is committed to working in a productive manner to create an effective Code. As a result of the frustration with the lack of dialogue with the Village and its consultants the SHBA has engaged the services of EHRENKRANTZ ECKSTUT & KUHN ARCHITECTS ("EEK"), an internationally recognized architectural firm that focuses on planning. Among other assignments EEK is currently drafting a Master Plan for the Village of Southampton. The SHBA hosted an evening with EEK in which they described their method of consensus based zoning and they provided examples from around the country of Villages and Towns like Sag Harbor where such a method was effective. The SHBA had hoped that the Village would partner with, the Chamber of Commerce and the SHBA to engage EEK to help create a consensus based process. The Village chose not to do so.

In spite of the Village's reluctance to engage nationally recognized consultants, SHBA did engaged EEK to provide an overview of comments to the proposed Code. Those comments have been submitted.

The proposed revisions to the Code will impact the ability of local merchants to maintain and grow their business and therefore, must be carefully considered. The overall economic environment is difficult, even here in the Hamptons. Local companies are laying people off and real estate values have been negatively impacted by the national economy. Furthermore, the Village has yet to see the full impact of the layoffs and economic downsizing by the country's financial institutions which will directly impact the summer residents of the Village. Proposing additional restriction on the merchants and building owners in this economic environment will likely negatively impact property owner's ability to achieve a reasonable return on their investment.

The specific comments to the DGEIS and the proposed Code are as follows, the specific Recommendations listed in the DGEIS are referenced where appropriate:

#### **Village Business District – Recommendation 1**

The property and business owners in the Village District believe its vibrancy results from the district containing a variety of mixed uses. The DGEIS and Code seem to want to have Main Street primarily focused expanding on the retail use. While the SHBA is comfortable with the current mix of uses on Main it is impossible to state what will occur in the future. Furthermore, the Village should be careful not to restrict economic development and growth on Main Street. It is the employees of the banks and offices that are on Main street everyday and therefore, provide consistent foot traffic to the shops on the street. Lastly, the employment opportunities created by banks and offices are important to the vibrancy of the Village as a whole. The Code would limit the ability to create those high paying professional jobs on Main Street.

### **Office District – Recommendation 3**

The Code and the associated Map create an expansive Office District both on Water Street and between Bay and Division Street. The expansive Office District will disburse employers away from Main Street and therefore reduce our immediate customer base. If the goal of the Code is to have an active Main Street, forcing employers away from the Main Street is counterproductive.

The locations of the Office Districts are also confusing. The portion of the Office District that will abut Rt. 114 would have the effect of further burdening that road. Furthermore, where would the additional parking be located.

### **Restriction of Second Floor Office On Main Street – Recommendation 12**

The proposed Code and DGEIS provide that office use on the second floor of Main Street buildings would be restricted to offices that are accessory to the first floor use. This restriction will reduce the mixed use nature of Main Street. Furthermore, the prohibition on second floor offices, not related to the first floor retail, will result in landlords having to charge higher rent for the first floor retail.

In addition, such a prohibition will restrict potential economic growth on Main Street. If the goal is to preserve the vibrancy of Main Street restricting offices on the second floor is counterproductive to that goal.

### **Change of Use - Recommendation 16**

The proposed Code allows changes of permitted use up to 3,000 square feet without site plan approval (§55-14.3.A). However, the provision is vague and confusion when it references that uses that are common or nearby are not permitted under the exception.

### **Enlargement and Change of Use to greater than 3,000 Square Feet**

The proposed Code requires that any enlargement of an existing use beyond 3,000 square feet be approved by both the Planning Board, pursuant to Site Plan Review (§55-14.3.A) and the Board of Historic Preservation and Architectural Review (the "ARB") (§55-6.3). For Main Street to survive the current businesses must be permitted to expand with minimal interference. Furthermore, the burdening of the few stores of over 3,000 square feet with additional permitting layers will impose a significant hardship. Store fronts should be permitted to change to permitted uses with minimal interference from the Village.

Furthermore, the insertion of the ARB into the process of judging the appropriateness of a particular use is troublesome. The ARB's mandate is related only to

the exterior features of the buildings. The ARB should not be permitted to judge the appropriateness of a particular use. The enforceability of this provision is questionable at best.

### **Parking, Transportation and Sewer Capacity.**

Economic development, parking, transportation and sewer capacity are significant issues confronting the Village Business District. In spite of their importance neither the proposed Code or the DGEIS provide any substantive solutions or future planning to deal with these issues.

With regard to parking the proposed Code's revision is to eliminate the Parking Trust Fund and to provide the Zoning Board discretion to exempt owners from the parking requirements. The elimination of the Parking Trust Fund is productive however, by only providing that that Zoning Board may grant variances ignores the importance of the issue and only grants the Village more power to restrict property owners and future businesses. Furthermore, DGEIS's solution to the parking issue is further adherence to the site plan process (DGEIS §V §X). This circular logic is not a solution. The DGEIS should provide proposed solutions or planning strategies to address the parking and transportation issue.

The DGEIS' failure to address the substantive issues of economic development, parking, transportation and sewer capacity will also impact the review of proposed Code under the SEQRA process.

### **Fees**

The Proposed Code requires applications to various boards to include a deposit to reimburse the Village for all outside consultants. It is reasonable and appropriate for the Village to not incur excessive costs, however, the drafting of this provision is vague and to open ended. The Village should establish a reasonable fee schedule for usual and customary projects and the fees should be discounted for residential homeowners and local businesses. Unless fees are set out applicants will have no ability to judge the expenses, and therefore, be reluctant to file with the boards. Excessive or unknown fees could also lead to only those people filing large projects having the ability to appear in front of the Boards.

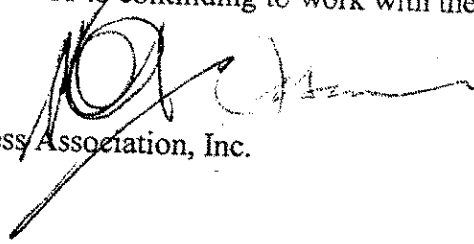
### **Proposed Process**

Given the importance of the issues involved the Board should carefully consider the comments of the SHBA. At a number of meetings members of the Board of Trustees suggested that the Village would hold working groups on particular topics such as affordable housing and Main Street uses. The ability to have an open and substantive dialogue concerning specific provisions of the Code would allow the Village to fully appreciate the concerns of the Main Street property and business owners.

We look forward to continuing to work with the Village.

Respectfully,

Sag Harbor Business Association, Inc.

A handwritten signature in black ink, appearing to be "John J. ...", is written over the text "Sag Harbor Business Association, Inc." and extends upwards into the line above.

**MAIN STREET EAST – N TO S**

- \*Jim Smyth, The Corner Bar, Director
- \*Jeff Resnick & Tora Matsuka, Sen. Director
- \*Jeff Resnick, Tora Matsuka, Pao/Spice
- \*Romany Kramoris, Kramoris Gallery
- \*T.B.Conklin, Lisa Perry shop building, Director
- \*T.B.Conklin, The American Hotel
- \*Julia Hyman – Washington and Main
- \*David Lee, Conca/Sylvester building, Director
- \*Keith Davis, Golden Pear
- \*John Louis, Latham Hse/Calypso bldg
- \*Jim Giorgio, 1770 (Schade) building
- \*Jim Giorgio, Denop building
- \*Michael Eicke, Christie's building, Director

**MADISON STREET**

- \*Sabina Streeter, Vail House
- \*J. Sander, Youngblood/Miller building, Dir.

**WASHINGTON STREET**

- \*Grenning on Washington Street Bonnie

**MAIN STREET WEST – N TO S**

- \*Ted Seiter, Bookhampton/Laundrette
- \*Dee Morehead, DJ Hart and Surf Shop, Dir.
- \*Bob & Barbara Schmitz Liquor
- \*Frank D'Angelo, Emporium Hardware
- \*Laura Grenning, Grenning Gallery
- \*Lisa Bucking, Variety Store, Director
- \*Hal Zwick, The Paradise
- \*Bob Fisher, Fishers Antiques, Director

**ROUTE 114**

- \*David Lee for Persan-to-Burke Street
- \*Jay Hamel, Murph's Tavern

**WEST PARKING LOT**

- \*Jim Giorgio, Haven building
- \*Phil Bucking, Garden Center

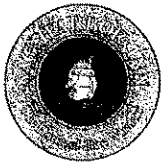
**LONG WHARF**

- \*B Smith and Dan Gasby

**BAY STREET**

- \*Gary Tweed, Sag Harbor Florist
- \*Gary Tweed, Bagel Buoy
- \*Larry Baum, Tutto il Giorno
- \*Larry Baum, Urban Zen
- \*Alan and Hanna, Sag Harbor Pets
- \*Lou Grignon, SH Yacht Yard

*These are businesses and landlords who were contacted on short notice to approve this advertisement. Rober Evjen, President of the Sag Harbor Chamber of Commerce, is an active supporter. Professionals and realtors were not canvassed. The full position of the SHBA is articulated in a letter to the Board of Trustees and will be available on line at [sagharborba.org](http://sagharborba.org).*



# THE SAG HARBOR INN

45 West Water Street, P.O. Box 2661, Sag Harbor, NY 11963

Phone: (631) 725-2949

Fax: (631) 725-5009

January 29, 2009

Village of Sag Harbor  
Main Street  
Sag Harbor, NY 11963

Subject: Proposed Zoning Code

Dear Mayor and Board Trustees:

We have reviewed the August 28, 2008 draft zoning code and found the Table of Dimensional Regulations was not corrected from the prior version; see attached. Under the RM column, the minimum lot area per transient guest unit should be 2,178 square feet; not 2,904 square feet.

Sincerely,  
**SAG HARBOR INN CORP.**  
**HOME OF THE WHALERS, INC.**

Nathiel G. Egosi, P.E.  
Vice President

Cc Charles Egosi, AIA  
Richard Egosi, Esq.  
William Esseks, Esq. (Esseks, Hefter & Angel)  
Chris Kocher, Esq. (Goodwin & Proctor)

**Village of Sag Harbor**  
**Table of Dimensional Regulations\***

	<b>R20 Residence</b>	<b>RM Resort Motel</b>	<b>VB Village Business</b>	<b>OD Office District</b>	<b>WF Waterfront</b>
<b>Lot Area</b>					
Minimum (sq. ft.)	20,000 / 40,000 (1)	80,000	10,000	10,000	40,000
Minimum lot area per dwelling unit (sq. ft.)	20,000			10,000	N/A
Apartments: minimum lot area per unit (sq. ft.)	N/A	7,260	N/A	7,260	N/A
Minimum per transient guest unit (motel) (sq. ft.)	N/A	2,904	N/A	N/A	N/A
<b>Lot Coverage</b>					
Building coverage maximum (percent)	20	50	70	70	40
Total lot coverage	25	50	70	70	40
Minimum Lot Width (feet)	100	100	50	75	200
Maximum height (stories ; feet)	2 ; 35 (2)	2 ; 35	3 ; 35	2 ; 35	2 ; 35
<b>Minimum Yard Depth at Principal Building (ft.)</b>					
Front yard	35	35	0	10	35
One side yard	15	15	5 (6)	5	20
Both side yards	30	30	10 (6)	20	40
Rear yard	30	30	40	40	30
Setback from pier or bulkhead	30	N/A	N/A	N/A	30
<b>Minimum Dimensions at Accessory Buildings and Structures (3)</b>					
Distance from street line	35	35	20	20	20
Distance from side lot line in side yard	15	30	5 (6)	5	20
Distance from rear and side lot lines in rear yard	10 (4)	30	15	15	20
Maximum height (stories ; feet)	1 ; 15	1 ; 15	1 ; 15	1 ; 15	1 ; 15
Distance between buildings	10	15	15	15	15
Maximum coverage of rear yard (percent)	30	30	30	30	30
Minimum Gross Floor Area per Business, Establishment, Occupancy (sq. ft.)	N/A	N/A	800	800	N/A
Maximum Gross Floor Area per Business, Establishment, Occupancy (sq. ft.)	N/A	N/A	2,000 (7)	N/A	N/A
Minimum habitable floor area per dwelling unit (sq. ft.)	800 on 1st floor	N/A	800	800	N/A
Transient guest unit (min.; max.)	N/A	400 ; 500	N/A	N/A	N/A
Apartment (min.; max.)	N/A	800 ; 1,500	N/A	800 ; 2,500	N/A
Accessory Apartment (min.; max.)	300 ; 650	N/A	750 ; 1,250	N/A	N/A
Minimum Natural or Landscaped Open Space (percent) (5)	50	25	20	30	30

\* See also Article 9, Supplemental Use and Dimensional Regulations

- (1) 20,000 for a one-family detached dwelling; 40,000 for all other uses, except where a specific standard is provided for a special exception use.
- (2) In the R-20 One-Family Residence District, all buildings and structures, except chimneys and decorative railings, must remain inside the sky plane. The sky plane shall be measured at the front and rear property lines from the average elevation of the existing natural grade, and at the side property lines five feet above the average elevation of the existing natural grade and extend to the building or structure at an angle of 45°. The height limitation of 2 stories/35 feet shall not be exceeded.
- (3) Except as provided for specific buildings, structures and uses pursuant to Article 9, Supplemental Use and Dimensional Regulations.
- (4) Fifteen (15) feet for swimming pools or tennis courts.
- (5) Excluding all buildings and structures.
- (6) Section 55-9.2 (C) requires a minimum yard of 15 feet where non-residential districts border residential districts.
- (7) See Section 55-6.4(D) regarding provisions for expansion of gross floor area for uses within the Village Business District.



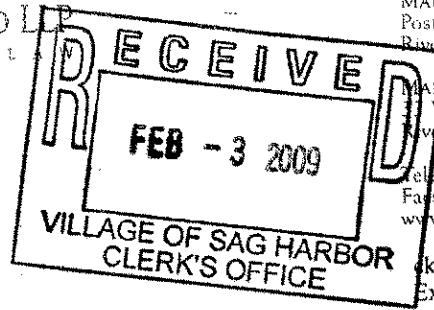
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Shea, Kelley, Dubin & Quartararo LLP  
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Extension 223



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JAY P. QUARTARARO†  
PETER M. MOTT  
IANICE L. SNEAD  
MARTIN D. FINNEGAN  
ANNE MARIE GOODALE  
BRYAN C. VAN COTT♦  
KATHRYN DALLI

LAURA I. SGUAZZINI△  
CYRUS G. DOLCE, JR.♦  
DANIEL G. WANI†  
JENNIFER A. ANDALORO  
KELLY E. KINIRONS  
PATRICK B. FIFE  
LAUREN E. STILES  
AMIEL S. GROSS★

OF COUNSEL  
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JOAN C. HATFIELD△  
PHILIP D. NYKAMP▼

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♦ LL.M. IN ESTATE PLANNING  
△ NY & LA BARS  
△ NY & CT BARS  
□ NY, NJ, & PA BARS  
• NY & NJ BARS  
• NY, NJ, CT, & FL BARS  
★ NY & TX BARS  
▼ NY & NC BARS

February 2, 2009

Sag Harbor Village Board of Trustees  
Municipal Building  
Main Street  
P.O. Box 660  
Sag Harbor, NY 11963

**Re: DGEIS/Comprehensive Plan and Zoning Code**

Dear Mayor Ferraris and Members of the Board:

This office represents Duncan Darrow, resident and taxpayer of the Village. Enclosed please find our written version of the comments presented at the public hearing on January 29, 2009. I ask that they be included in the record.

Very truly yours,

  
Christopher Kelley

CK:gg  
Enclosure

cc: Duncan Darrow

OTHER OFFICE LOCATIONS:  
20 Main Street  
East Hampton, NY 11937  
631.324.1200

51 Hill Street  
Southampton, NY 11968  
631.287.0090

105 Route 112, Fl 1s  
Port Jefferson Sta., NY 11776  
631.928.4400

400 Townline Road  
Hauppauge, NY 11788  
631.265.1414

56340 Main Road  
P.O. Box 325  
Southold, NY 11971  
631.765.2300



VILLAGE OF SAG HARBOR  
BOARD OF TRUSTEES

-----X  
IN THE MATTER OF THE PROPOSED  
ADOPTION OF A COMPREHENSIVE PLAN,  
ZONING CODE AND ZONING MAP AND ITS  
ENVIRONMENTAL REVIEW IN A DRAFT  
GENERIC ENVIRONMENTAL IMPACT  
STATEMENT PURSUANT TO  
6 N.Y.C.R.R. PART 617

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**COMMENTS ON BEHALF OF DUNCAN DARROW ON THE  
DGEIS AND PROPOSED ACTION**

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Dated: January 29, 2009

Of Counsel:  
Christopher Kelley, Esq.

## **I. PRELIMINARY STATEMENT**

These comments are submitted on behalf of resident and taxpayer Duncan Darrow. On Mr. Darrow's behalf we have monitored the progress of the proposed action including the creation of the Planning Strategies document and the new code and zoning map and we have reviewed the DEGIS in its entirety. Mr. Darrow has been involved in the process along with his neighbors and fellow residents to focus attention on what he and others perceive as a threat to the Village of Sag Harbor. These residents and neighbors have instigated the proposed action that the Village Board is now considering as a solution. We are extremely happy with the result.

## **II. VALIDATION OF THE PROCESS**

We would like to congratulate the Board and its legal and planning consultants for their conduct of a complex process that has produced a thoughtful as well as innovative set of documents of which the Village can be proud. The process utilized was both transparent and comprehensive. The Board has allowed for maximum public input throughout the process and a substantial amount of time for all involved to become comfortable with the concepts of 1) mitigating the potential changes to commercial development in the Village and 2) a massive overhaul of the Zoning Code. We have also found the Board to be open to suggestions and modifications, which is important in the democratic validation of the proposed action, which in essence is an expression of the Village's vision for development into the foreseeable future.

### III. INITIAL IMPETUS FOR ACTION

It is important for us to remember, and the DGEIS takes note of the fact, that the initial impetus for the proposed action is the perceived threat from a couple of drastic changes in commercial development in the Village. Specifically, and what was of most concern to Mr. Darrow and many residents in the Village, was the threat that appeared imminent of big box store type development. This would be the entrance into the Village of uses that were out of scale, of a different size and a different type than had been seen before. It appeared then that national franchises, as opposed to locally owned businesses, were contemplating locating in the Village's downtown area. The proliferation of such uses, it is believed, would have devastating consequences for the diversity of commercial uses in the Village, particularly an adverse impact on its historical character. Rather than maintaining the historic architecture of what we admire as a quaint waterfront Village, these uses would introduce the views and colors and facade designs of the big box retail/fast food establishment style. This is something we believe must be avoided.

Also, it was hoped that something could be done to prevent what would ultimately be the diminishment of locally owned small retail businesses. The Village is blessed with many of those small retail stores and restaurants, which provide a vibrant downtown. The concern is that without some zoning action being taken, the Village would become something along the lines of its Hamptons neighbors, where, for instance, in East Hampton Village, there are five different places you can buy cashmere but not a single place downtown to get a newspaper and a quart of milk. From our perspective, the

proposed action must be judged primarily on the way it addresses this threat, which is what brought us all together in the first place, now, almost two years ago.

#### **IV. DGEIS AND PROPOSED ACTION**

A. The documents to be commented on are voluminous and address a wide range of issues, as they should in order to live up to the adjective “comprehensive.”

B. The Planning Strategies document is the comprehensive plan required by Article 7 of Village Law in order to make sustainable and defensible modifications to the Zoning Code. We applaud the Board for its comprehensive view taken in the Planning Strategies document and urge the adoption of that document. Too many municipalities go about zone changes in a haphazard and piecemeal fashion, forgetting that the enabling legislation, both at the Town and Villages levels, requires a serious comprehensive plan and a document that recommends and supports the changes proposed. Too often in defense of zone changes municipalities are left naked without a serious comprehensive plan done in advance and their officials can point only to an outdated zoning map and code as their “comprehensive plan.” But the Village here has done things the right way.

C. Under the SEQRA regulations, 6 NYCRR Part 617, and the case law, the heart and sole of a DGEIS are 1) its analysis of impacts; 2) its discussion of mitigation of those impacts and; 3) its analysis of alternatives. We address the specifics of the Board’s success with these below. Clearly in this instance, the analysis had to be customized, because in essence, the proposed action is mitigation. The proposed action is an attempt to mitigate the impacts of what development would be allowed under the existing outdated code. And we agree with the analysis on page 8 of the DGEIS that the

current code is out of date. In discussing alternatives, the document correctly notes, in an impact by impact analysis, that enactment of the new code to address development in the Village is far superior to the "no action alternative", which is to leave the commercial development headed in a direction which we believe would be destructive of the historic nature of the downtown business district.

D. In the interest of brevity, we will not address all aspects of the proposal but only those that are of the greatest concern to Mr. Darrow, those which deal with the protection of the commercial district.

#### **V. SPECIFIC RECOMMENDATIONS FOR THE BUSINESS DISTRICT**

A. While we are mindful of the importance of addressing in the comprehensive plan such things as affordable housing opportunities, protection of natural features, water front revitalization issues etc., our focus has been on the importance of instituting measures to protect the business district. With that in mind, we want to applaud the specific recommendations made in the Planning Strategies document and discussed in the DGEIS.

B. Recommendation #1 on page 14 of the DGEIS as it relates to redefining the permitted and special exception uses within the Village Business District is supported and applauded by Mr. Darrow. Preserving the shopping district along Main Street is of paramount importance. While we are not unsympathetic to the need for professional offices, real estate offices, etc. the plan strikes a balance by having those uses become pre-existing non-conforming and encourages any establishment of new office uses in the immediately adjacent Office District, or on the second floor of buildings in the Village Business District. This is an important recommendation. We

note that in the table of permitted uses in the Village Business District, a pharmacy is permitted with no constraint on its size, whereas new hardware stores, grocery stores, home furnishings stores, etc. are limited to a maximum of 3,000 square feet. In reference to the definitions in the new code, we understand that to be a "pharmacy", 70% of the store's gross revenues must be from medicines, drugs, medical supplies, and not convenience store items. But to be on the safe side, we would propose that the use table include a size limitation of 2,000 square feet or less for a pharmacy, understanding that this might be a belt and suspenders approach, but it will prevent the Village from having to get into an analysis of what quantity of sales qualifies a business as a pharmacy as opposed to something else.

C. Recommendation #2 at DGEIS page 14 is important as well in defining carefully the Village Business District and the area that needs to be preserved to maintain our quaint seaside village ambiance.

D. Recommendation #9 at DGEIS page 19 gets us to the real "nuts and bolts." That recommendation is as follows:

**To encourage and support the local "small-town feel" of the commercial shopping district and maintain a diversity of shopping opportunities, it is recommended that the Village establish a maximum gross floor area (GFA) for any individual use of commercial space.**

The Village has done itself a great service in, prior to proposing a GFA limitation, inventorying the existing spaces. The inventory clearly shows that the vast majority of business spaces in the Village are less than 2,000 square feet. 1<sup>st</sup> Floor area in the current Village Business District averages 1,935 square feet with a median of 1,394 square feet.

We understand the compromises that need to be made with the business community to have a breadth of support for the proposal. While we believe limiting GFA to 2,000 square feet would have been optimum, we understand why allowing expansion to 3,000 square feet is necessary. Limitation on size of commercial spaces is a key factor in preventing the threat that first started this process rolling.

E. Also important is recommendation #10 at DGEIS page 20 with respect to maximum street or store frontage. The inventory of the width of the 74 uses on Main Street and Madison Street shows that the average frontage is 22.23 feet with a range of size from 7.83 feet to 56.33 feet with a median value of 18.83 feet. Allowing frontage of 50 feet is, we believe, overly generous in light of the median and average sizes, but we applaud the efforts to limit the permitted frontage, and we fully support this provision.

F. The encouragement of outdoor dining in recommendation #13 at DGEIS page 22 is also a positive approach as it adds to the allure of the Village to have those types of dining experiences available.

G. Also, the recommendation at #19 at DGEIS page 28, calling for the development of a new zoning map is clearly the key to making all these recommendations possible and we think this is an excellent recommendation and the Village has assembled an excellent proposed map.

## **VI. IMPACT ANALYSIS**

The impact analysis presented in the DGEIS starting at Section "V", page 35, is very complete and it takes the right tack, that is that the proposed action is actually one designed to reduce impacts from existing conditions. Typically a proposed action is one which will increase impacts that have to be mitigated. In the adoption of land use

regulations, we hope that the whole point is to reduce impacts that otherwise would be likely to occur. We strongly support the Board's findings at page 48, with respect to the land use impacts on commercial development, to wit, that any potential impact is outweighed by the anticipated long-term benefits, specifically in:

1. **Preservation of esthetic and historic resources**
2. **Support to maintaining a pedestrian down-town commercial district**
3. **Protection of the existing community character**
4. **Protection of natural resources.**

We believe this is a correct analysis of the impacts presented.

## **VII. MITIGATION**

Given that the impacts, if any, of the proposed action are far outweighed by the benefits, as set forth above, mitigation measures are not required here. In fact, the correct analysis we believe is that the Comprehensive Plan (the Planning Strategies document) together with the implementing code and map, are the mitigation measures of a greater potential impact, that of converting the Village to a soulless reflection of the suburban consumer culture.

## **VIII. ALTERNATIVES**

We strongly agree with your analysis that the "no-action alternative" is problematic. While it is often easiest to do nothing because political inertia can easily overtake efforts which are complicated, time consuming and arduous, to not adopt the program that has been developed would have much more devastating impacts and the "no action alternative" is unacceptable from a land use and environmental point of view.



## IX. CONCLUSION

In conclusion, we thank the Board for its efforts. We believe that the DGEIS provides a more-than-adequate analysis of the overall action, which includes the Comprehensive Plan as embodied in the Planning Strategies document, as well as the Village Code update and the Village Zoning map. We urge the Board to adopt the DGEIS as well as the planning documents it incorporates by reference.

Respectfully Submitted,



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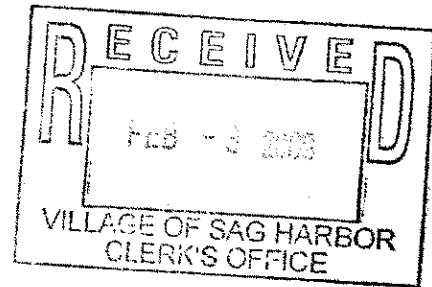
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February 2, 2009

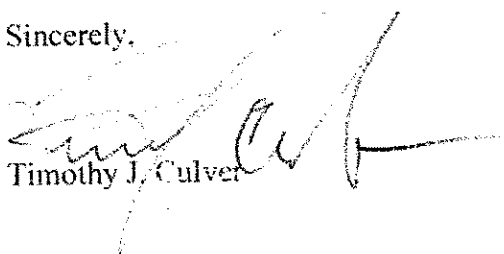
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RE: Comments to Proposed Zoning Code and DGEIS

Enclosed are comments on behalf of the Sag Harbor Business Association related to the Proposed Zoning Code and the DGEIS.

Thanks in advance.

Sincerely,

  
Timothy J. Culver

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The following is my review of available documents (loaning study, articles, and proposed zoning) relating to the future of Sag Harbor's Village.

Clearly everyone wants to preserve the historic village and, specifically, the historic Main Street. The plans seek to preserve the historic buildings, as well as the existing uses. Preserving buildings is relatively easy to preserve, compared to preserving private businesses. There is ample precedent for preserving historic architecture. Trying to control and influence what is, essentially, the private marketplace is less a public concern and, probably not within a zoning ordinance's ability to influence, let alone be legal.

Zoning is only one of many tools available to help with redevelopment. If the desire is to preserve, it is easier to establish a historic district where guidelines (not laws) can be approved to "guide" both applicants and reviewers on what is permissible to change and what is not. Guidelines, for historic districts, can be very strict and very specific. They are, however, concerned with the exterior appearances. Having a historic district essentially means not changing the buildings. Changes, when needed, have to be done very carefully.

By preserving the buildings, there are automatic built in controls on the scale and character of new businesses. The plans for the village are appropriately focused on the sidewalk experience. Trying to preserve the historic amount and variety of storefronts, doors, etc. is to be commended. The historic buildings are designed for ground level businesses. Their designs, as well as their individual property ownership set the tone better than any set of new zoning ideas and/or rules. The best solution is to be sure they are preserved. The facades, if preserved, set and control the length of frontages. Doorways, in a historic district, are not eliminated. A business may choose to lock a door. In the future, another business may choose to reopen the door. The most important goal in a historic district is to preserve. None of us can predict and/or control the future. Times change. Markets change. We have to set rules that are meant to last. We are not writing rules for the next project. Instead, we are guiding the next 50-100 years.

Creating rules that make it difficult to lease the ground floors for active and paying tenants will jeopardize the ability of the buildings to remain financially viable. If they are not viable, they are at risk and may not be able to be maintained and, thereby, will not be preserved. The planning report suggests trying to keep the Village affordable. Rules controlling sizes of shops can easily backfire and result in rentals that can only be paid by boutique, expensive shops that do not cater to the residents of Sag Harbor. The small towns mentioned in planning articles are very expensive places to live. The planning report also suggests preserving Main Street for the year round resident. Again, controlling The businesses will only reduce the leasing flexibility and inability to serve the year round resident. The truth is convenience shopping has become a big business. While it is difficult to use the existing historic buildings to

accommodate bigger stores, do we really want to preclude Main Street from having the type of convenience shopping it was historically developed to provide? Preservation could include historic the type of shopping and services that serve the year round residents.

The ground floor retail stores depend on as much activity and customers as possible. All uses, including banks, real estate offices, etc. create "traffic"; the key to healthy retail businesses that can pay rent (an important contribution to preserving these historic buildings). These uses are a part of any healthy "Main Street" and have long been on Sag Harbor's Main Street. These uses close after the normal business hours. The street will appear "closed" if there are too many of them. They do pay rent. Perhaps there is some compromise. Maybe, as suggested somewhere in the planning report, there could be a balance of uses, as in Main Street's historic past. This suggests a limit on the percentage of ground floor frontages on Main Street, for any one use. The district could monitor the historic balance. This means first ones in get the priority. It could be the existing amount of frontage for these uses is the limit. This would have to be calculated.

It is hard to require any business to stay open certain hours (unless this was a mall). Certain historic towns have come up with ways to encourage ground level uses to maintain the appearance of open stores (with attractive and well lit storefront displays, and no gates) and lit until a certain hour (say 11:00pm). This type of "management" of a historic district goes way beyond zoning and probably beyond what guidelines can accomplish. On the other hand, well managed historic districts (relying on cooperative property owners) have turned out to promote higher land values and higher rents. An incentive approach, towards managing the historic Main Street, is another important tool to promote for preserving Main Street.

While zoning controls land use, it cannot guarantee that the allowable uses will survive. As mentioned above, we have to plan for the next 50-100 years, not the next 3-5. We do not control the marketplace, nor should we try. Zoning, if anything needs to almost get out of the way of the marketplace while looking after the larger public benefits of light and air, pedestrian safety, density issues, etc. In a historic district, zoning is even less needed, given the extraordinary design review that goes on in preserving what exists.

We all agree that the ground floor businesses have to succeed, to preserve Main Street. We need to promote more business, not limit it. Any use of the upper floors can only help bring more business. Sag Harbor's Main Street, as well as all other "Main Streets" has always included "any and all" uses on the upper floors. Again, restricting the leasing of these upper floors is interfering with the ability to maintain and preserve the properties. Restricting the upper floors from accommodating the very uses that are considered objectionable on the ground floor, are counterproductive. If we are trying to limit them on the ground floor,

let's have a ready alternative (on the upper floors) that can still provide the desired Main Street address.

Truthfully, the older buildings are very difficult and expensive to reuse for modern users. Floor sizes are very small for modern uses. Accommodating ADA access is one of the most difficult obstacles. If we are trying to preserve, let's at least make it easier, not harder, to do so. The buildings need to be used to be preserved. Having uses on the upper floors that do not change the exteriors has to be the priority.

Last, but not least, having a mix of uses is the goal of every development project and district plans. It insures activity day and night, during the week and on the weekends. It takes most advantage of the existing infrastructure, encourages shared use of limited and expensive parking, and discourages further sprawl. We have on Main Street, today, a built in density and architecture that encourages a more sustainable approach to development. We shoot ourselves in the foot by limiting uses. The most ambitious new plans are calling for above grade floors to be used by offices, residences, etc.. Offices, not residences, are considered by some to be a preferable use for a Main Street. Offices promote a more public use of the street (residents do not like people outside their windows. they like their privacy) and office tenants share parking best with restaurant customers.

If the goal is truly to preserve Main Street, as well as the historic Village, everyone has to look beyond zoning. Zoning is not a plan. It is a tool for implementing a plan. With all due respect to the fine work that has been produced to date, I have not been able to find a plan. Instead, I have found goals, some facts. But, no plan.

A plan for a historic setting has to start with parking. The historic properties do not have adequate parking to support the uses of the historic buildings. This is true for any use of the buildings (especially for residential, which typically requires parking on the same site as the residences). The parking has to be convenient, easy to find, and be safe. This is a very difficult assignment in any built up setting and especially in Sag Harbor. In such a historic setting, the parking has to meet all of the above criteria, while not dominating the view (and, thereby, detract from the historic atmosphere. Parking is also essential for the businesses to succeed. If we are trying to preserve the businesses (the most important part of preserving Main Street), they must have successful parking. Parking cannot be achieved, while meeting all of the above concerns, without a plan.

The suggestion of a new section of the Village for a business district is an excellent idea. However, here, too, there needs to be a plan, first. Then, zoning changes to follow to implement the plan. The new district and the historic Main Street need to be planned together to promote one Village with easy, safe, and

convenient circulation back and forth between the two. Also, I would presume everyone would like the new district to look and feel (even a little) like it belongs to Sag Harbor. The new district would get many extra points if it felt like Sag Harbor and not just another group of buildings, in another development project.

Also, a plan for the new district would include solving the parking need for Main Street. There is no other place to solve Main Street's problems. A plan for a new district should enhance the pedestrian travel to and from Main Street (still the centerpiece of town and, hopefully, the beneficiary of the new development with more customers on Main Street).

All the goals stated in the planning studies, to date, can be accommodated in a new plan. Affordable housing should remain an important part of any new planning. To achieve affordable housing requires a plan with many more tools than zoning, including the land, the financing, the financial incentives, etc.

Finally, why not a plan that creates a new part of the Village like the historic, Why not make it possible to do all mix of uses, as on Main Street? The best model for a new Sag Harbor is the historic Sag Harbor. All the clues exist for shaping a new plan. A new plan that will be distinctly and uniquely Sag Harbor. All the work, done to date, can be folded into the suggested alternative paths (to achieve what everyone wants to see in Sag Harbor).

In sum, do not go forward with the current zoning changes. They are counter productive; they preclude what everyone wants to see in the future, they do not accomplish what is desired. To keep the momentum going, proceed with a preservation district for Main Street. At the same time, start a plan for the entire village. Have it satisfy the goals stated in the completed planning report. Zoning changes will follow the plan, along with a host of other available and conventional tools available to the Village. There is consensus on a vision. It needs to be realized, and can be on a very pragmatic basis. Let's not lose any of the time and energy that has been invested, to date. But, let's be sure the results are what you all want.

# Memorandum

**To:** Greg Ferraris, Mayor  
Tiffany Scarlato, Trustee

**CC:** Anthony Tohill, Esq. Special Counsel to Board of Trustees

**From:** Tim Culver (tculver@culverlaw.com)

**Date:** 2/4/2009

**Re:** Drafting Suggestions to Proposed Zoning Code

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In light of the meeting the other night it's clear that there is substantive agreement on many of the issues raised; however, the drafting of the provisions may be creating some confusion. As any lawyer would admit its possible to draft provisions in many different ways and below are some suggested revisions. In addition, given that I was General Counsel to a company that owns 3,000+ cell phone towers around the county I have provided comments and revisions Wireless Tower sections.

I am respectfully submitting this in an effort to be helpful. I live in this Village and if I don't submit comments then I have no right to complain later. I realize and respect the hard work you all have put in here and offer these comments to be productive. If you have any questions please do not hesitate to contact me. The page numbers refer to the 8/28/08 draft.

## § 55-6.3. Dimensional regulations (p. 53-54).

Section D. provides that upon any enlargement of a space in the VB District the ARB:

"shall affirmatively find, among other things, that the enlargement and any resultant use is consistent with the historic character of the existing structure and uses within the VB district." (*emphasis added*)

It is the insertion of the term "use" that I think could present a problem. The Board and counsel referred to § 55-13 in stating that the ARB has no authority to examine interior uses. However a careful reading of Article § 55-13 raises some questions. Specifically, § 55-13.3.H (p. 194) states that except as provided in § 55-13-7(A) (p. 200) permits which only involve interior alterations shall not be required to reviewed by the ARB. The first question is what happens if a permit application includes both exterior and interior alterations? Second, § 55-13.7(A) then specifically states the following applies in the Historic District:

"If the interior changes are visible from an adjacent street or property, the Board shall review such proposed changes"

Obviously most store fronts provide the ability to look into a store from the adjacent street.

In the event a merchant in the VB District which is in the Historic Overlay District applied to break down the wall into an adjacent space, the code seems to provide the ARB the authority to review the interior alterations and furthermore the newly inserted 55-6.5.3 seems to provide the ARB with the approval rights on the use.

I would suggest the following simple revision to 55-6.3:

“shall affirmatively find among other things, that the enlargement and any resultant ~~use~~ **exterior alteration** is consistent with the historic character of the existing structures ~~and uses~~ within the VB district.

**§ 55-17.3.B- Certificates of Occupancy (p. 243).**

The proposed code, and current code, provides that a new Certificate of Occupancy (the “CofO”) be obtained upon any transfer of ownership. I disagree with the substantive requirement, as I think a transfer doesn’t impact the CofO since it is a vested right. However, leaving aside the substantive debate, the literal drafting of this provision is problematic. Specifically it states as follows:

“B. Any change of ownership of any property containing any building or structure shall require that the successor owner obtain a new current certificate of occupancy **prior** to any use or allowance of use of the property.” (*emphasis added*)

The word “prior” creates an issue. A literal or plain reading of this provision would mean that if one bought a property on a Friday afternoon, he or she would not be able to use it until at least the subsequent Monday when the Building Department issued the new CofO. Although the practice is to issue the CofO shortly after the transfer of the property, until the CofO is issued, technically under the code, the use and occupancy of the property is specifically prohibited. This quirk in the drafting would mean anyone with a standard mortgage would be in violation of his or her mortgage upon the purchase of the property as most residential mortgages require compliance with laws. I realize this is a very technical point but given we are revising the code we should minimize ambiguity.

I suggest the following:

“B. Any change of ownership of any property containing any building or structure shall require that the successor owner ~~obtain~~ **apply for** a new current certificate of occupancy within five (5) business days of the conveyance of ~~prior to any use or allowance of use of the property.~~”

It also may be appropriate to insert a requirement that the building department issue or reject the new CofO within 5 days of the application.

**§ 55-11-11 Communication Tower (p. 130).**

Section 55-11-11 correctly imposes the obligations of tower owners to allow and encourage the co-location of multiple tenants on a tower. This is a standard feature in most zoning codes around the country and correctly limits the amount of towers built in a community. Below are some specific comments and suggestions:

§ 55-11-11.A.8. (p. 131) Should the village encourage or discourage the attachment of antenna’s on the side and roof of buildings? Paragraph 8 states siting on non residential structures but do we want to see antennas on the sides of buildings?

Prohibition of cellular installations in homes. It may seem odd but in many congested communities in California attics in homes are modified for the installation of cellular transmission equipment. The Trustees should determine whether they want to specifically prohibit this use in the code.



Antenna (p. 132). The definition of antenna should include dish antennas which are not for individual use. §55-13 deals with dish antennas but towers often include dishes used for wireless backhaul. Installations of those dishes should be subject to the § 55-11-11.

Co-Location (p.132). The definition of Co-Location states that it is limited to the existing height of the tower. Most towers can be modified to raise their height to accommodate a new tenant. This is standard in the industry. This provision needs to be examined in the context of paragraph 20 (p.141) which states that any new tower should be built to accommodate 5 tenants. 5 tenants is a very packed tower. As an owner it would be a great investment, however, a 5 tenant capacity tower will have to by definition be taller and require more ground space than a 3 or 4 tenant tower. Furthermore, all 5 tenants would rarely commence their installation at the same time. Therefore, the Village could end up with a taller tower than is required. I would suggest that the minimum be three tenants with the tower being designed to accommodate two additional tenants by augmentation. Therefore, if the fourth and fifth tenant never arrive a taller tower would not be necessary. Also it should be made clear that different tenants have different impacts on a tower. 911 and life safety antennas use minimal space on the tower; however, cellular providers (PCS) use up to 9-14 antennas and coax lines. The Proposed Code may want to define which tenant it is concerned with.

In addition, the Trustees should consider whether they want to encourage or discourage the stacking of the ground equipment associated with the antennas on a tower. An installation of antennas at a tower requires switches, equipment cabinets and possibly buildings for each various tenant. In most locations this equipment is placed separately on the ground. It may be appropriate to encourage tower owners and tenants to stack the equipment to minimize ground space. Stacking could be screened in aesthetic manner. I might suggest the standard chain link fence would not be adequate for Sag Harbor.

#### § 55-11-11.C.4. – Contents of Applications. (p. 136)

Paragraph 4(b) requires that all applicants be duly licensed by the Federal Communications Commission. It is important to note that not all owners of towers are licensed by the FCC; only owners of frequencies are licensed by the FCC. Tower companies such as American Tower or Global Tower Partners are basically real estate landlords that lease to licensed FCC frequency owners. Furthermore, tower companies want to encourage co-location because that is their business, unlike the actual cellular providers. 4(b) should be revised as follows:

“(b) That the applicant is authorized to do business in the State of New York and the proposed user or tenant on tower is duly licensed by the Federal Communications Commission.”

JoAnne Pahwul  
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February 13, 2009

Dear Board of Trustees:

I commend your efforts to revise the Village Code to protect the character and the social and economic stability of the Village. I offer the following comments as a full time resident of the Sag Harbor area for last 28 years, as a parent having raised a son in the community, and as someone with great affection for this village.

### **Affordable Housing**

Section 55-1-5-J. of the Village Code (Findings Statement) cites a goal of providing affordable housing sites for residents of the community that are compatible with their economic means as a way of meeting the stated objective of promoting the health, safety, morals and general welfare of the Village of Sag Harbor. The mix of apartments and stores in Sag Harbor Village is viewed as an ideal and a goal in many surrounding communities. The residential and commercial mix provides for a vibrant downtown area.

Allowing the many long standing apartments to be converted to additional commercial space will eventually lead to the loss of this housing. The plethora of condominium units being approved in the Village may not provide the full time, year round residents that create this vibrancy.

Of greater concern is the loss of affordable rental units for the community. This housing is needed by employees of local businesses and the youth of the community. Converting these apartments to commercial uses will tear at the fabric of the community and is not consistent with the stated goal.

While the Code contains provisions to allow for accessory apartments in residences there is no guarantee that this housing will actually be created. Other communities have adopted regulations allowing the same, but have found that the apartments have not been forthcoming. The new Village Code also requires payment into an affordable housing fund, but the land necessary to actually provide this housing is scarce and expensive and likely will not be located in the downtown area. This Code change has the potential to have significant impacts on the fabric of the community.

### **Apartment Building/ Multiple dwelling Uses**

Apartments are a special exception use in an Office District and a multiple dwelling, a prohibited use in the Office District and all other districts. However, I did not find a definition for multiple dwelling in the Code order to see what distinction is being made between this use and that of an apartment building.

The Village Code defines an apartment building as "A building used for residential purposes and containing more than two dwelling units." A multiple dwelling could be similarly defined. The Code provides definitions for dwelling, one-family detached dwelling, two family dwelling, and dwelling unit, but not for multiple dwelling. Since this use is prohibited, it seems it should be defined so as to distinguish it from an apartment building use and avoid confusion in the future.

### **Lot Coverage Definition**

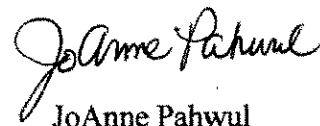
I also find that the definition of lot coverage needs to be clarified with regard to whether paved areas utilized for parking are included as coverage. The Village Code defines lot coverage as "The portion of the lot area covered by the area of all buildings and structures thereon, whether temporary or otherwise, including areas of open storage of more than an incidental transitory character and including patios, terraces, and decks whether roofed or not and whether at grade or otherwise."

Structures are defined in the Village Code as "Anything constructed or erected on or under the ground or upon another structure or building, excluding at-grade walkways and access driveways." Given the two definitions, it would seem to be self-explanatory that parking areas should be included in lot coverage. However, I was advised that the parking area for the 1 Ferry Road project was being considered part of the access driveway and did not count as coverage.

Coverage definitions in other municipalities specify that areas of pavement are included. For the sake of clarity, I would like to see the definition in the Village Code specify that paving, except for walkways and access driveways, are to be calculated into lot coverage, and/or provide a definition for an access driveway that excludes the area of parking spaces and the aisles between the spaces.

Lot coverage restrictions in the Village Business district and Office District are 70%, in the Waterfront district 40%, and in the Resort Motel district 50%. Unless paving for parking spaces and access aisles is included in these coverage restrictions, the Code would not prevent 100% coverage of a lot. Existing businesses would be considered pre-existing, nonconforming and not be subject to this restriction. If the existing definition is intended to already include parking areas as coverage, it is recommended that the Code simply be revised to specify this. This clarity would be in the interest of both future applicants and the Boards that review development applications.

Sincerely,



JoAnne Pahwul

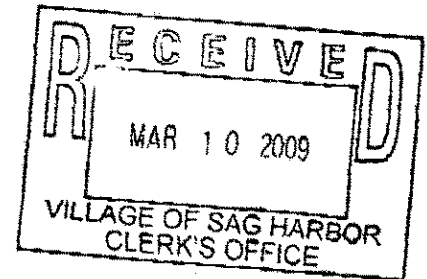


*Submitted 4/10/09 to the City  
by Don Hargrave*

P.O. Box 1199 Bay St. Sag Harbor, N.Y. 11963 (631) 725-3838 fax (631) 725-4594

March 9th, 2009

Honorable Mayor, Gregory Ferraris  
Honorable Trustees of the Village of Sag Harbor  
Post Office Box 660  
Sag Harbor Village, New York 11963



Dear Honorable Mayor, and Trustees:

As you know I am the owner of Sag Harbor Yacht Yard.

I have reviewed the proposed changes to the Sag Harbor Village zoning code (Proposed Chapter 55 Zoning Code) and the "Planning Strategies" report prepared by Inter-Science Research Associates, Inc. ("Inter-Science"), dated July 21, 2008 in order to ascertain that the proposed changes do not conflict with the already existing and adopted laws set forth in other village ordinances respecting water dependent uses and, of course, how the proposed changes would affect the existing operation and potential development of boatyards and marinas.

As you all know the marina is presently a conforming use under the existing Sag Harbor Village Zoning ordinance. See 55-9.2 Sect. D Business Uses. The boatyard is a Special Exception use. See Village Zoning ordinance 55-9.3 Sect. A #1.

In addition, the Village of Sag Harbor has adopted both a Local Waterfront Revitalization Plan ("LWRP"), and Harbor Management Plan ("HMP") with the State of New York as part of the local law after comprehensive evaluation by numerous experts and at great expense to the community. These laws guaranty certain benefits to the Village but also require the Village to abide the terms of the LWRP and HMP.

Importantly, Policies 2.1 through 2.3 of the Sag Harbor Village Local Water Revitalization Plan specifically state that the village shall avoid actions which would 'adversely impact,' or 'interfere' with existing water-dependent uses, and 'allow for expansion of existing marinas, yacht clubs and boat yards.'

Language in both the village's Harbor Management Plan and the Local Water Revitalization Plan establish that facilities located in the 'Harbor District' and the upland contiguous zoning district ('waterfront district'), are 'designated for intensive boating and commercial harbor uses, and are required to foster new water dependent uses and development, as well as the 'expansion or renovation of existing water dependent uses.' This is in obvious recognition to the state legislature's pronouncements in the authorizing legislation. Article 42, Section 922(4) of the New York Executive Law prevents any local law displacing an existing water dependent business. Fn. <sup>1</sup>

<sup>1</sup> Indeed, both Policy 2.2, which allows for new commercial and recreational water-dependent uses, and

These policies are mandated by local law because the Department of State "Approval and Findings," signed by the then Secretary of State, Alexander Treadwell on April 2, 1999 found that the local laws were consistent with Article 42 of the Executive Law because Policy No.1 (a)(2) of the village's HMP was found to incorporate NYS CMP (a)(2). That provision requires that the placement of water-dependent uses and facilities on or adjacent to coastal waters, and existing water-dependant uses are protected and allowed to expand.<sup>2</sup>

It is through the lens of the village's legal commitment to these policies, that I make the following comments with respect to the proposed changes to the village zoning ordinance.

The Inter-Science Planning Strategies memorandum devotes a fair part of the overall report to the LWRP, under the heading "Discussion of the LWRP - the Local Waterfront Revitalization Plan" (p. 30). While the Planning Strategies memorandum acknowledges that: "the LWRP developed eleven (11) specific policies which addressed development, the coastal environment, the public, and the general environment," and that: "Many of the policies are relevant to waterfront/shorefront development and uses," Inter-Science ignored the express policies requiring the village to protect the existing maritime uses in the LWRP (p. 34) by omitting them from its discussion of the LWRP policies, skipping from Policy #1 to Policy #9.

This is an unconscionable omission. Policy 2 of the LWRP requires the Village to **'protect existing commercial water-dependent uses,' and 'avoid actions which would displace, adversely impact, or interfere with existing water dependent uses.'**

Under the existing zoning ordinance boatyards and marinas are permitted uses in the Waterfront District. In the proposed zoning ordinance, marinas and boatyards would become special exceptions, and the new ordinance proposed would relegate recognized legal requirements under local and state law to an improper feasibility analysis contrary to LWRP Policy #2. "The provisions of the Local Waterfront Revitalization Plan and the Harbor Management Plan shall be considered and implemented wherever feasible incident to any site plan review in the WF District." See proposed ordinance § 55-8.1. Intent. D.

Instead, art galleries would become a permitted used, despite the fact that they are not recognized in the LWRP or HMP and would contradict the requirements of Policy #2 requiring the village to **"protect existing commercial water-dependent uses," and 'avoid actions which would displace, adversely impact, or interfere with existing water dependent uses.'**

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Policy 2.3, allowing for expansion of existing marinas, yacht clubs and boat yards states that these activities are protected as part of the "Harbor District."

<sup>2</sup> See also, 19 NYCRR Part 600.1 et seq.) which contains the policies that guide state consistency determinations for issuance of licenses by the state. 19 NYCRR Part 600.2 Definitions (a-g); Part 600.5 "Coastal Policies," 2 and 4; and Part 600.6 Long Island Sound Regional Coastal Policy Management Program requiring the State to "take into consideration regional and local considerations," as well as Part 600.6 (j) (1)-(5), requiring the State to "protect" existing water dependent uses.

Clearly, in order to comply with the village/state mandate and statutory obligations announced in the LWRP and HMP, the village must continue to "protect" boatyards, marinas and yacht clubs, and they should all continue to be permitted uses in the new zoning ordinance, as should all reasonably ancillary uses such as boat sales, and excursion boats. Restaurants (as part of Marina/Boat Yard/Yacht Club designations are permitted under the existing zoning ordinance and should continue to remain as permitted uses. The LWRP clearly provides that commercial and recreational water dependent uses are the preferred uses in the Waterfront Functional Area. This area is fully developed in such uses. New water dependent uses would only occur as redevelopment of existing uses or as accessory uses to existing water dependent uses.

In regard to boatyards/marinas and yacht clubs, the proposed zoning ordinance impermissibly violates legal requirements set out in the LWRP and HMP.

Boatyards and marinas must be preserved and allowed to expand under the LWRP and HMP. It has been historically customary for these enterprises to have had, do have, or plan to have, facilities for chandleries, brokerage, boat or engine dealerships, restaurants and exercise (spa) for patrons, all of which are either not permitted or are relegated to SE use under the proposed changes to the village zoning ordinance.

For these reasons I ask that the Mayor and Village Trustees reconsider those proposed amendments that would harm boatyard and marina uses and which are obviously contrary to the legal mandates set forth in the LWRP and HMP.

Respectfully,

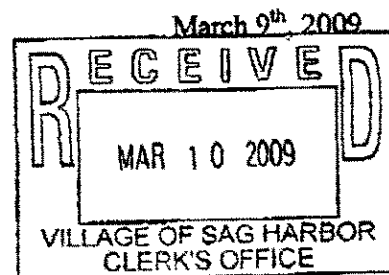
  
Louis Grignon  
Sag Harbor Yacht Yard

cc: Honorable, Lorraine Cortés- Vázquez, New York Secretary of State  
Bruce Tait, Chairman, Harbor Committee  
Michael Bromberg, Chairman, ZBA  
Neil Slevin, Chairman, Planning Board  
Cee Scott Brown, Chairman, Historical Preservation and Architecture Review



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Village of Sag Harbor  
PO Box 660  
Main St.  
Sag Harbor, NY 11963



Honorable Mayor & Board of Trustees,

My name is Louis Grignon and I own the Sag Harbor Yacht Yard. I have reviewed the Proposed Zoning Code (PZC).

My comments are of and for the Water Front district (WF). I do not know enough about the other districts and the law as it applies to them to be able to comment intelligently, of the Water Front district I do.

In the opening of the PZC the Board of Trustees (BoT), both past and present, has made certain findings and included them in the Village Zoning Code.

Finding #3 addresses the need to make an effort to maintain business and employment.

What new zoning changes are for the express purpose of furthering the goal of this finding, particularly in the WF district?

Finding #4 singles out established businesses (Sag Harbor Yacht Yard has been operating for over two hundred years) and industries for "special consideration" in regards to the impact of development, particularly in the WF district as they relate to water front usage.

What does this mean exactly? Special consideration when it comes to using a critical eye on the approval or disapproval of a permit, especially the SE uses, or does it

mean you will give "special consideration" to the varied and changing uses of existing, legal (by definition of the LWRP) water dependant and waterfront uses?

Parking lots and sewage treatment plants are Permitted uses (P) allowing for future expansion while boatyards are Special Exception uses (SE), *designating them non-conforming and for eventual discontinuation (see VZC 55-1.3 Declaration of Purpose paragraph "L" "to eliminate non-conforming uses gradually.")*.

Under the PZC, marinas would go from a P to a SE designation making them non-conforming *(as per Mr. Warren's interpretation of the new designation in the Sag Harbor Express last month)*. While at the same time an art gallery gets a P designation.

Under the PZC, all marinas would change from P to SE (making them non-conforming) thus losing the enjoyment of the preferred zoning designation. The Marina District (M) would be re-designated WF losing certain of its permitted uses rendering them non-conforming and subjecting it to new limitations of future use.

Under the PZC and the re-designation of the M district to WF, all marinas except, the Public Marina become SE and thusly non-conforming, and are now subject to a permit process that, by their own words; intends to gradually phase them out. *Not only should the present Zoning Code (ZC) not be changed to a more restrictive position on this, it should expand its permitted uses to the Marinas and Boatyards of the WF district.*

As of now, Marinas in the M district are permitted one accessory apartment. In the WF district they are not. Under the PZC, the legal accessory apartment presently allowed would become non-conforming.

*The PZC should not re-designate the M district and they should change the zoning for WF to allow an accessory apartment for both boatyards and marinas.*

Once a business is given the SE (non-conforming use) designation getting additional permits, for additional SE uses becomes much more involved and much less sure. The present ZC and the PZC both have stumbling blocks throughout requiring



variances for everything, public hearings and a final process that, as written, has to many variables at the least and is capricious at the worst.

Remember now, we are speaking of the WF district. Basically situated on the north side of the bridge running east along the bulkhead to my MARINA/BOATYARD. **This area is specifically cited by the LWRP for high development and intense use by businesses, that are water dependant by nature.** Again, the Sag Harbor Yacht Yard has been in business on this spot for 212 years having been established in 1797.

Under the definition in the PZC for MARINA, we see "...*marina shall exclude boatyard and out of water storage, repair facilities, restaurants or similar activities...*".

What does this mean? It does not sound very encouraging for WF businesses. Is this to confuse or steer a particular use designation in the WF district in a certain direction? Where does this leave the SHYY? Is it either a boatyard or marina.

How would they designate the SHYY? Neither the present ZC or PZC is really clear on that. Am I a SE use as a marina or a SE use as a boatyard, at this time it's irrelevant as both carry the non-conforming use designation.

What does "...and similar activities..." mean?

Subjective , capricious is this perhaps? Certainly not in keeping with general provisions of the LWRP to encourage and foster the growth, maintenance and commerce in the WF district.

*What SHYY is in realty, and should be designated as, is a P use in the WF district.*

*And to that main use, should be P accessory uses of spa, restaurant, boat broker, boat dealer; with outside display, sail loft, and all the accepted customary accessory uses of marinas and boatyards. In general, if the ZC is to be a tool of the Comprehensive Plan it must include mechanisms to foster business health, employment, maintenance and the traditional and historical connection of Sag Harbor Residential districts and Village Business districts to its docks.*

In Article 8, page 29, we identify and address the WF district. On paper, the document recognizes the importance of the WF district to the appearance, economics, and

cultural integrity of our local municipality that is named Sag HARBOR. It is unarguably connected to the history and the future of the VB district and its financial well being. The same WF district that the Village it self pulls hundreds of thousands of dollars a year from and deposits in their general fund. The difference being that the Village has awarded itself the coveted P designation for all of its uses, the Public Marina, sewage treatment plant and parking lot. We should not remove their P designations, but give the P designation to the only boatyard in question here, the SHHY and maintain the P designation for marinas.

Under 55-8.4, **Special Conditions**, page 30 of the PZC;

In Paragraph "A", the document has written that all uses in the WF district shall be *water dependant*. But the two most water dependant businesses, *Marinas & Boatyards are given the SE use designation*. Yacht brokers and charters are P uses, as they should be (but they cannot have a boat display), while at the same time a boat dealership is a SE use and thusly non-conforming.

Keep in mind, the an Art Gallery is a P use, a communications tower a SE use, yacht sales and charters, with boat display, is a SE use and thusly non-conforming, unlike the art gallery which is conforming.

Paragraph "E", of the PZC is a new requirement that any new use within the WF district require on-site parking. While a seemingly acceptable change in the Code, you must read further into the parking regulations and the awarding of variances and SE permits.

**Article 9, page 31 Supplemental Use & Dimensional Regulations**

Paragraph 8, page 32 states that all required on-site parking be available at all times and not be obstructed by anything, effectively curtailing the use of this same property for the storage of boats during the off season. This method of meeting parking requirements is in use through out Long Island including East Hampton and Southampton Towns. Regulations of this nature make it impossible to add or change uses.

**Section 55-9.6 Off-street parking and truck loading.**

This section provides the nuts & bolts of parking requirements and regulations. It offers an mechanism to apply for variances to their expansive and detailed parking use regulations and construction guidelines. And this process would not be out of line except

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that the marinas and boatyards are starting off with a SE use designation, and most all other traditional accessory uses for marinas and boatyards are also designated SE. And the reality of this is , the odds of one non-conforming business receiving all the variances needed to have and an additional non-conforming use is slim to none.

Under normal permitting standards all site size and use regulations are reviewed. You either meet this criteria or you do not. That is fine. If you do not, then you must apply for a variance.

But to start off behind the eight ball with a SE use designation when said business has been found to not only fit they area by the LWRP, but is encouraged to keep pace with economic trends and public demand.

Please remember, that this business has served those needs for over 200 years. And in those 200 years it has itself shaped the layout and character of this village. While I do not believe the Yard will be twisting line in a rope walk, cutting stays for barrels, shaping spars or tarring a bottom; I can envision a yacht club like atmosphere on the docks for my customers while providing retail sales of boating and fishing equipment, hauling and repair services and of course, storage to the public. Perhaps even a boat dealership, restaurant and spa. These are the items that promote commerce, public access and employment.

## **Article 11**

### **Special Exemptions and The Permit Process**

#### **55-11.3**

Paragraph "D" has used a such daunting definition under "compatibility", that any use meeting its criteria and standards should be given a P use designation just because.

Paragraph "L" concerns outdoor displays. I admit, I am a fan of lawn art. Presently on the Yard's front lawn you will find a transom from a Scoponich built wooden boat, used by my daughter to sell lemonade and ice cream. We have an old mooring that was found out in the harbor, there is a whale skull I caught in the net, while fishing on the 100 fathom edge. There is a wooden mast that serves as a flagpole (I have a permit for that), several old wooden rudders and, often enough, a small boat for sale. Under the present ZC , should I be given a new use permit I would have to bring all of the

05/10/2005 05:10 0317200310 VILLAGE OF SAG HARBOR PAGE 10/11  
property up to new code standards; NO LAWN ART. Nothing salty in the salt water district.

Further on in Article 11, page 74:

55-11.9 Boatyard:

Paragraph "A", Once more, the only presently ( and foreseeable) functioning boatyard in the WF district is SHYY, yet the ZC retains the right to review the repair service use and determine if it is compatible with the adjoining use. The Yard has been next to the Cor Maria since their inception. We have an annual clean up in that corner of the harbor each year. To the west is a parking lot and a sewage treatment plant. Beyond that is the SHYC, a neighbor for over 100 years.

Paragraph "B" states that I "may have" storage. Where else do you store boats, than in a boatyard? If I accept that they "may " be stored outside, I also accept that they "may not" be stored outside. Would the various boards give me variances and permits to pave everything and enclose the property. This could be very "green", but I do not think that will happen.

Paragraph "C" and we are back to the subjective and capricious "compatible" review again.

The ZC code offers any number of ways to place impediments in the path of the permit process for boatyards and PZC only adds to those and will now include marinas and yacht clubs.

What is the WF district for?

Where are the statutes and mechanisms to facilitate improvements and foster investment? I am not advocating uses or development that are inconsistent with the location. We are not speaking of condos or ferries and there will be no more fuel depots.

The waterfront, in the intensive use area has been used and modified for over 300 years. Right up to this moment the citizens and guests of Sag Harbor Village have appreciated the varied aspects of the harbor. Its glory days have risen and fallen a dozen times in as many ways. Do not legislate the hurdles to check the flow of business, but legislate to guide the flow of commerce. Help keep the waterfront relevant to the village and the waterfront will support the village economically and socially.

## Conclusion

Through out this document, under different headings and in different ways, the present ZC and PZC have offered nothing to promote the policies of the LWRP and the Villages own Comprehensive Plan. It is inconsistent with the LWRP in its pursuit of minimizing the importance of the WF in its economic and cultural contributions to the Village, the vitality it spreads through out the area and the one-of-a-kind identity that can be cherished and celebrated.

If the Board is interested in bringing the present ZC and Comprehensive Plan up to date for the benefit of the residents through control of the business atmosphere, you will need to give alternative avenues to conduct such business so as to achieve that goal.

The Comprehensive Plan cannot skip over 70% of the LWRP policies, those policies that note, nay, STATE FOR FACT, the need to *support legal, existing water dependant, WF businesses to the best of their capability. And those legal existing, water dependant businesses are listed in the LWRP.*

The LWRP is a NYS, state sanctioned program that took the combined time and talent of dozens of people to complete. Over the course of years they researched, collected and analyzed data and policy before submitting Sag Harbor's LWRP to the Dept. of State to be signed into law, the first LWRP in New York State.

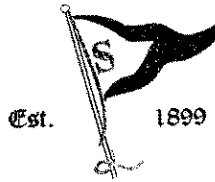
Please give the time needed to the Harbor Committee to review the PZC for consistency as is required by NYS and Sag harbor Village law. Allow them to make the necessary corrections to bring it into consistency with the LWRP.

Thank you.



CC: Harbor Comm.  
Zoning Board of Appeals  
Planning Board  
Board of Historic Preservation

# Sag Harbor Yacht Club



April 13, 2009

Harbor Committee  
Village of Sag Harbor  
5 Main Street  
Sag Harbor, NY 11963

Re: Proposed Changes To Zoning Code Village of Sag Harbor

Dear Chairman Tait and Harbor Committee Members,

We are extremely concerned about the proposed changes to the Zoning Code of the Village of Sag Harbor (Code) specifically in the Waterfront District and the detrimental impact that it will have on the Sag Harbor Yacht Club, it's property and the waterfront, if enacted in it's present form.

As you are aware, "Club, Yacht" and "Marina" are currently Permitted uses under the existing Code. In the proposed new Code, both of these designations would be downgraded to Special Exception uses. As water dependent uses under the Local Waterfront Revitalization Program (LWRP), both "Club, Yacht" and "Marina" zoning classifications should remain as Permitted uses in the proposed new Code.

Furthermore, it is imperative that the Village implement an Economic Impact Study to determine any and all possible adverse economic effects the proposed changes to the Code may have on the business values and property values along the waterfront, prior to your committee's determination of consistency with the LWRP and prior to the Village Trustees approving and enacting the proposed Code.

It is clearly stated in the LWRP, which the Village is required to comply with, that "actions to be undertaken within the Sag Harbor coastal area shall be evaluated for consistency..".

Therefore, downgrading our currently Permitted uses of "Club, Yacht" and "Marina" to Special Exception uses and creating any adverse economic impact that the proposed Code might have on waterfront businesses and properties in the Village, does not, as stated in Policy 2 of the LWRP, "protect existing water-dependent uses" and does not "avoid actions which would adversely impact or interfere with existing water-dependent uses" and is inconsistent with the LWRP.

Accordingly, it is incumbent upon the Harbor Committee under the LWRP to protect yacht clubs and marinas and to therefore find the proposed zone change inconsistent with the LWRP until the currently Permitted uses of "Club, Yacht" and "Marina" are returned to their current status under the new Code.

Sincerely,  
Sag Harbor Yacht Club

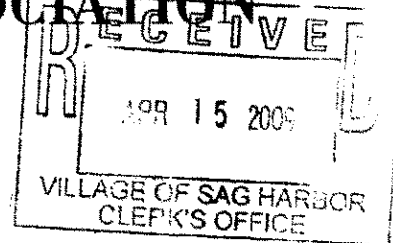
*Board of Directors*

*James M. Crallen Commodore*

# SAG HARBOR BUSINESS ASSOCIATION

sagharborba.org

287 Main Street  
Sag Harbor, New York 11963



Dear Village Trustees and Mayor:

As the process of approving the revised Code comes to an end it seemed appropriate for the Sag Harbor Business Association to highlight the areas of achievement and point out issues yet to be resolved.

The SHBA is made up of the building owners and merchants that created and make up the Village Business District and for obvious reasons has been focused and active in the public process. In sum the SHBA wishes to acknowledge and thank the Board for their diligent efforts in the process. In particular Mayor Ferraris and Trustee Scarlato have put a tremendous amount of work into this process and deserve special thanks.

Public processes are difficult and tension filled. We all understand the goal is to create a code that continues and improves Sag Harbor's unique and celebrated downtown. Although at times the SHBA wished for more interaction on the details of the drafting, in the end the Board did listen to the SHBA's members concerns and made significant changes. For instance, we were pleased that the Board understood the concern regarding second floor office in the business district and created a streamlined process for as of right uses and expansions of spaces in the Village. We understand like all public process the Board balanced the needs and goals of various constituents.

The Code rewrite has highlighted the great existing development and merchant base in the Village. In addition, the process focuses our view that good planning is crucial to the continued economic success of the Village. We would hope that the Board would continue to view planning as important and look to engage appropriate [nationally recognized] professionals to address the significant long term issues of sewer, parking, traffic and development.

Lastly, the approving the Code is the first step and next the Village Board must implement the revisions via the Building Department. We would hope the Board would provide sufficient and regular training to the Building Department employees on the revisions to the Code. We have been distressed to learn of certain misinformation regarding changes of old uses to new, allowed uses that has delayed or derailed desirable new tenants and threatened landlords' livelihoods. We hope these problems are being addressed and will soon be a thing of the past. We feel it imperative to educate our employees and supervise wisely to optimize the performance of Village government to match the priorities of our citizens as expressed in law and the articulated planning objectives.

In the end we all continue to be committed to working with the Village in a constructive manner to improve the Downtown for all residents.

Respectfully,

Sag Harbor Business Association, Inc.



April 16, 2009

Board of Trustees  
Village of Sag Harbor  
5 Main Street  
Sag Harbor, NY 11963

Re: Proposed Changes To Zoning Code Village of Sag Harbor

Dear Mayor Ferraris and Trustees:

The Sag Harbor Yacht Club is a Not For Profit organization under 501 (c) (7) of the Internal Revenue Service Code. It has been in existence in its current location for 110 years. In those years we, and the waterfront community, have been a major source of revenue and pleasure to the Village. In addition, the Club has been a regular contributor to a variety of causes and organizations in Sag Harbor including the Fire Department, Police Department, Ambulance Corps, The American Legion, the School, LVIS, ARF, Cor Maria, Whalers Museum as well as sponsoring Scholarships to Pierson graduates. Additionally, one of Sag Harbor's summer highlights is the Yacht Club's annual Fourth of July Fireworks Display.

We are extremely concerned about the proposed changes to the Zoning Code of the Village of Sag Harbor (Code) specifically in the Waterfront District and the detrimental impact that it will have on the Sag Harbor Yacht Club, it's property and the entire waterfront, if enacted in it's present form.

As you are aware, "Club, Yacht" and "Marina" are currently Permitted uses under the existing Code. In the proposed new Code, both of these designations would be changed to Special Exception uses. As water dependant uses under the Local Waterfront Revitalization Program (LWRP), both "Club, Yacht" and "Marina" zoning classifications should remain Permitted uses in the proposed new Code.

Furthermore, it is imperative that the Village implement an Economic Impact Study to determine any and all possible adverse economic effects the proposed changes to the Code may have on the business values and property values along the waterfront, prior to completion of the GEIS. Specifically, there is an economic disadvantage to be a Special Exception use versus a Permitted use.



It is clearly stated in the LWRP, that "actions to be undertaken within the Sag Harbor coastal area shall be evaluated for consistency." The change to a Special Exception use is not consistent with the LWRP mandate to protect existing water dependant uses. In fact, the Village's own Harbor Committee could not find the proposed zone change consistent with the LWRP after hearing all the facts.

Sag Harbor and the Sag Harbor Yacht Club have a rich maritime history. Amending the Code to require the Yacht Club to comply with Special Exception General Standards for any improvements we may decide upon in the future is an unnecessary and unwarranted expense to our organization.

Changes are an integral part of any vibrant organization. The change to Special Exception would guarantee that approval of future improvements would be subject to a more cumbersome and expensive process, subject to the personal, individual and subjective views of future boards. In just the last few years new docks were added, buildings painted, landscaping beautified, fuel lines replaced, bulkheading renewed, etc. Other improvements that benefit both the Club and the public are being planned, including the complete renovation and repaving of the villages's public parking lot adjacent to our facilities at the expense of our Club.

Accordingly, it is incumbent upon the Trustees to protect yacht clubs and marinas and to leave "Club, Yacht" and "Marina" as Permitted uses under the new Code.

One has to wonder if this proposed Code existed in 1800 would Sag Harbor be known today for its whaling ships and wharf buildings along Long Wharf and the entire waterfront.

Sincerely,  
Sag Harbor Yacht Club